



Southeast Fishery Bulletin

National Marine Fisheries Service, Southeast Regional Office, 263 13th Avenue South, St. Petersburg, Florida 33701-5505

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NOAA Fisheries Service Reopens Comment Period for Proposed Critical Habitat Rule for the Endangered Smalltooth Sawfish

NOAA Fisheries Service is extending the public comment period through February 13, 2009, for the proposed rule designating critical habitat for the endangered smalltooth sawfish. NOAA Fisheries Service published the proposed rule on November 20, 2008, and requested public comments through January 20, 2009. On December 9, 2008, we also published the dates, locations, and times of the public hearings for the rule in the *Federal Register*. The public requested an extension on the public comment period, thus NOAA Fisheries Service has reopened the comment period for 15 days. Finalization of the rule is expected to occur by September 2009, after consideration of all public comments.

Proposed Critical Habitat

The two areas proposed for designation are located along southwest Florida between Charlotte Harbor and Florida Bay. The areas contain features that are not directly protected under existing laws but are essential to the conservation of the species. These features are: 1) Red mangroves and 2) shallow euryhaline (fluctuating salinity levels) habitats characterized by water depths between the Mean High Water line and 3 ft (0.9 m) measured at Mean Lower Low Water. These features provide nursery functions for juvenile smalltooth sawfish. Protecting these features will provide juveniles the habitat features necessary to survive and mature into adulthood, resulting in population growth. The areas proposed for designation include coastal habitat areas in:

1. Southwest Florida, covering 221,459 acres of coastal habitats in the Charlotte Harbor Estuary.
2. Southwest and south Florida, covering 619,013 acres of coastal habitat in the Ten Thousand Islands and Everglades area.

While the designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area, it does require that federal agencies that undertake, fund, or permit activities

that may affect critical habitat to consult with NOAA Fisheries Service to ensure actions do not adversely modify or destroy critical sawfish habitat.

Copies of the proposed rule and its associated documents are located at

<http://sero.nmfs.noaa.gov/pr/SmalltoothSawfish.htm>

Submitting Comments

You may submit comments, identified by the Regulatory Information Number (RIN) 0648-AV74, by any of the following methods:

Mail: Assistant Regional Administrator, Protected Resources Division, NMFS, Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701.

Facsimile (fax) to: 727-824-5309

Electronic Submissions: Submit all electronic comments to www.regulations.gov by clicking on "Search for Dockets" at the top of the screen, then entering the RIN in the "RIN" field and clicking the "Submit" tab.

Instructions: All comments received are considered part of the public record and will generally be posted to <http://www.regulations.gov>. All Personal Identifying Information (i.e., name, address, etc.) voluntarily submitted may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. NMFS will accept anonymous comments. Please provide electronic attachments using Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

This bulletin provides only a summary of the information pertinent to the proposed rule. Any discrepancies between the bulletin and the rule will be resolved in favor of the *Federal Register*. For more information on the proposed rule, please contact Shelley Norton at 727-824-5312.